

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**MICHAEL O'BRIEN,** **09-CV-1148-JE**

**Plaintiff,** **ORDER**

**v.**

**J.E. THOMAS, WOMeldorf, BURNS,  
LANE, and McMANN,**

**Defendants.**

**MICHAEL O'BRIEN**  
#59924-065  
FDC Sheridan  
P.O. BOX 6000  
Sheridan, OR 97378

**Plaintiff, *Pro Se***

**DWIGHT C. HOLTON**  
United States Attorney  
**ADRIAN L. BROWN**  
Assistant United States Attorney  
District of Oregon  
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Attorneys for Defendants

**BROWN, Judge.**

Magistrate Judge John Jelderks issued Findings and Recommendation (#26) on April 26, 2011, in which he recommends this Court grant Defendants' Motion (#21) to Dismiss and dismiss Plaintiff's Complaint with prejudice. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#26). Accordingly, the Court **GRANTS** Defendants' Motion (#21) to Dismiss and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of June, 2011.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge